

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 6 October 2016 at City Hall, Bradford

Commenced	10.00 am
Site Visit	11.00 – 12.45
Adjourned	12.45 pm
Recommenced	1.30 pm
Concluded	3.10 pm

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
<p>Barker Ellis</p>	<p>Abid Hussain Wainwright Warburton Watson</p>	<p>Griffiths</p>

Apologies: Councillors Brown and Lee

Councillor Warburton in the Chair

47. DISCLOSURES OF INTEREST

In the interests of transparency, Councillors Barker, Abid Hussain, Wainwright and Warburton disclosed, in respect of the item relating to Greenholme Mills, Iron Row, Burley in Wharfedale (Minute 50), that they had been Members of the Committee when this application had been considered previously. They stated that they would approach the issue with an open mind and consider all the relevant material planning issues before making a decision.

In the interests of transparency, Councillor Ellis disclosed that he was a member of the Yorkshire Regional Flood and Coastal Committee and the Airedale Drainage Commissioners.

48. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

49. MEMBERSHIP OF SUB-COMMITTEES



No resolution was passed on this item.

NO ACTION

DECISION FURTHER TO A SITE VISIT

50. GREENHOLME MILLS, IRON ROW, BURLEY IN WHARFEDALE

Previous reference: Minute 52 (2015/16)

The Assistant Director - Planning, Transportation and Highways presented a report (**Document “AA”**) in relation to a full planning application for alterations and extensions to existing mill buildings to create a mixture of residential and commercial uses including a crèche, spa/gym and restaurant together with 20 new build houses and 6 new build apartments and ancillary infrastructure at Greenholme Mills, Iron Row, Burley in Wharfedale – 15/03339/MAF. He referred to numerous photographs, floorplans, elevations and layout plans in doing so.

The report explained that the application had been granted planning permission previously, in February 2016, further to consideration by this Committee on 4 November 2015 and the completion of an associated Section 106 legal agreement. However, further to an application for a Judicial Review, a Consent Order had been made on 29 June 2016 which had the effect of quashing the permission thus necessitating its reconsideration.

The report set out the circumstances and issues associated with the Consent Order and addressed the relevant issues in detail.

It also stated that, as the site was within the Green Belt, the Secretary of State would have to be consulted again to ensure that he was still content for the application to be determined by the Council as Local Planning Authority.

The Assistant Director reported on the receipt of 90 additional letters of support for the application, since the publication of his report, a number of which had suggested that if development had to take place in Burley then this was preferable on brownfield sites rather than greenfield or land allocated as Green Belt. He then responded to questions from Members, as follows:

- The whole of the site fell within the Green Belt; he indicated the part of the site that had not been previously developed.
- In respect of the potential for flooding of the basements; they had been deemed unsuitable for residential use and appropriate conditions were proposed in respect of the inclusion of flood resilience measures.
- The type and the numbers of vehicles that would have accessed the site when it was in industrial use would be different than the proposed use. The previous use would have generated a higher number of HGVs and employment use tended to lead to traffic movements at peak times whereas



residential use produced a different pattern. It was noted that the site had not been used intensively in the recent past.

- If the site was in full use with its existing designation the calculations indicated that there would be 85 vehicle movements in the a.m. peak and 75 during the p.m. peak. The proposed use would generate 82 movements in the a.m. peak and 118 in the p.m. peak; this equated to two per minute so it was not considered that stacking on the A65 would be a problem. It was proposed that the existing gap in the central reservation be closed thus preventing traffic turning right from the A65 into the site.

The agent spoke in support of the application:

- Planning permission had been granted in February 2016.
- It was believed that the application for the Judicial Review had been commercially motivated but the Local Planning Authority's decision had been quashed.
- It was considered that the Judicial Review had sought to undermine the decision making process.
- The Green Belt and employment policy issues had been addressed by officers whose recommendation remained the same as in February 2016.
- The site included a range of high quality buildings that were important to the village.
- The application represented important inward investment and would allow the buildings to be retained with a range of uses.
- The Core Strategy identified Burley as a growth centre providing 700 new homes. Many of these would be achieved through changes to the Green Belt.
- The development of Greenholme Mills would provide 92 units on brownfield/previously developed land. This would reduce the amount of greenfield or Green Belt land that would be required.
- Planning policy generally encouraged the development of brownfield land or the reuse of previously developed land.
- Only 5% of this site could be considered to be 'greenfield'.
- The issue of the impact on openness was addressed in detail and objectively assessed in Paragraphs 26 to 45 of the Assistant Director's technical report.
- The Local Planning Authority had concluded that very special circumstances applied in this case.
- The site currently only supported a relatively small number of jobs with low returns. It was not viable to continue to use this site for employment use. The existing buildings were not suitable for modern use.
- The application complied with the relevant policies, E4 and EC4.
- The development did include commercial activity and would assist with community development.
- If the mill was to be retained it needed to be developed with a mix of compatible uses.
- The applicant was keen to connect the development with Burley and to open up the river front.
- Community involvement/consultation had taken place with the Parish Council, who supported the application, and the public.



- All the requirements of the Local Planning Authority had been met and the contributions set out in the associated Section 106 legal agreement had been agreed.
- The application would meet 60% of the identified annual need for affordable housing in Wharfedale and address the decline of an important heritage asset.

He answered questions from Members:

- It had been a considerable time since the buildings had been fully used for commercial purposes. It was believed that the main mill had maintained a vacancy rate in excess of 40% for at least ten years.
- Materials and finishes would be discussed with officers and if considered unsuitable they could be changed.
- The architect had sought to minimise the amount of built development in the greenfield area. This piece of land had two functions within the overall development it would provide rear garden space for a number of the dwellings and would provide a green strip, with trees, alongside Great Pasture. The wall which currently delineated the upper yard area would be re-positioned closer to Great Pasture to facilitate this and would provide some screening of the new garden areas.

Further to a site visit, the Assistant Director responded to further questions from Members:

- There was no record of the site flooding although part of the site did fall within Flood Zone 2 which indicated that it only had between a 1 in 100 and 1 in 1000 year probability of flooding.
- The basements would be constructed so that any floodwater did not cause damage.
- He was satisfied that the proposals were not contrary to Environment Agency guidance and national policy.

Members made the following comments:

- The issue of flooding had been addressed.
- The highway issues, including the closure of the gap in the reservation on the A65, had been dealt with in a satisfactory manner.
- This was a wonderful building and efforts should be made to retain it for its heritage value.
- Only parts of the building were now suitable for modern employment purposes and this application recognised that.
- In terms of impact on the Green Belt; having visited the site it had been observed that the lower area of the site was virtually hidden from view.
- It was accepted that this site was within the Green Belt and this had to be carefully considered and taken very seriously; Paragraphs 26 to 45 of the Assistant Director's report considered this issue at great length and it was considered that the application was acceptable.
- A large part of the site had previously been developed.
- The greenfield element would be used in the main for garden space.



- There would be a significant improvement in respect of other parts of the site.
- Taken as a whole the development would provide an improvement upon the existing situation.
- It was clear that the site was not suitable for significant employment use. Attempts had been made to market the site as such. Some employment opportunities were included within the proposed development.

Further to which it was:

Resolved –

- (1) That the application be referred to the Secretary of State for Communities and Local Government under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009 and, subject to him deciding not to call-in the application for determination, it be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.

- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:
 - (i) On-site affordable housing provision of 6 units at a level of discount on the open market value of the properties necessary to allow disposal of the properties to a Registered Social Landlord,
 - (ii) The payment of a sum of £93,415 to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Menston Primary School or Burley Oaks Primary School,
 - (iii) The payment of a sum of £120,660 to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Ilkley Grammar School,
 - (iv) The payment of a sum of £21,334 to the Local Planning Authority for the purpose of improving recreational infrastructure; to be used either towards the delivery of a new Multi Use Games Area on land to the west of Iron Row or for drainage works, footpath works and fencing at Iron Row Recreation Ground and Burley Park,
 - (v) On-site Recreation/Open Space Provision:
 - (a) Provision of a 'Public Plaza and Gardens' in the area shown on the 'Landscape Management Plan', to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the Local Planning Authority;
 - (b) Provision of the 'Riverside Walk' in the area shown on the



‘Landscape Management Plan’ to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the Local Planning Authority;

- (c) Approval of details and implementation of a plan for the management/maintenance of the Public Plaza and Gardens, Riverside Walk, Woodland Areas and Wildlife Meadows, as shown on the ‘Landscape Management Plan’,**

the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.

***ACTION: Assistant Director - Planning, Transportation and Highways
City Solicitor***

51. LAND AT THE FORMER RIVERSIDE WORKS, KEIGHLEY ROAD, SILSDEN

A report was submitted by the Assistant Director - Planning, Transportation and Highways (**Document “AB”**) in relation to an outline application for the demolition of existing buildings and a residential development of up to 142 houses, with means of access to be considered, on land at the Former Riverside Works, Keighley Road, Silsden – 16/03804/MAO. It was noted that appearance, landscaping, layout and scale were not for consideration at this stage.

The Assistant Director reported on the substance of a further representation which raised, amongst other issues, the treatment of Japanese Knotweed. He explained that one of the proposed conditions would require a detailed contamination survey to be undertaken and any Japanese Knotweed would be considered as part of that process along with any remediation that was necessary.

He also reported on additional comments made by one of the Ward Councillors which raised concern in respect of the proposed payment of monies to the West Yorkshire Combined Authority for the improvement of bus stops on Keighley Road. It was believed that finance had already been secured for these improvements as part of previous planning permissions in the area and that this money (£20,000) should therefore be directed towards other infrastructure improvements instead. The Assistant Director confirmed that these improvements had been a requirement of previous planning permissions. Funding for one of the stops had been secured through the retail development on the opposite side of the road but there could not be any guarantee that the other developments would go ahead.

The Ward Councillor had also raised issues in respect of the flood attenuation proposals in light of the flooding that had taken place in the area over Christmas 2015. He explained the drainage as it currently affected the site and how run-off would be controlled through the use of vortex attenuation tanks. The tanks would be of sufficient size so that if Silsden Beck was full the outflow would be



minimised. He also confirmed that all details of the drainage would be submitted for full consideration at the stage of a Reserved Matters application being submitted.

In response to questions from Members, the Assistant Director clarified that:

- If any funding obtained through a Section 106 legal obligation was not spent it would have to be returned to the developer concerned after a certain period of time. It could only be spent on the matters stated within the agreement.
- A specific concern had been raised by the Town Council in relation to the width of the internal access road but this was not a matter for consideration at this stage and would be looked at when the application for Reserved Matters was submitted
- The Town Council had also raised concern with respect to the position of the main point of access relative to the supermarket development on the other side of Keighley Road but Highways Development Control were satisfied that the proposed arrangements were acceptable.
- In respect of the risk that one bus shelter may not be provided if the £20,000 from this development was re-allocated, he said that Members could split the money, if they considered it appropriate. If so he would recommend that it should be put towards a shelter for the West side of Keighley Road as, on the basis of the present circumstances, this would only be provided should the development at Belton Road go ahead. The necessary funding for the improvement of the stop on the Eastern side of the road had already been secured from the supermarket development. If the improvement of the West side bus stop was secured through this development then the contribution required from the Belton Road development would no longer need to be paid.
- The main access would be a standard priority T junction with a 'ghost island' which would be implemented through the use of white lines rather than any physical structure.
- It should be borne in mind that this site was previously developed land and had accommodated industrial uses.
- He was unable to give an answer in respect of when a by-pass for Silsden would be provided. The assessment of this application had to consider whether it placed additional unbearable strain on the traffic situation travelling in and out of Silsden. The calculation of likely trips on the basis of current behaviour had determined that the majority of people would turn right when exiting the site and the provision of a by-pass would therefore not be of benefit in this case. In terms of the further development of Silsden and safeguarded sites to the North-East this would be something that would have to be considered at the time of the submission of any application(s) for development.

A representative of the Town Council put forward the following points:

- The site was designated for employment use but it had been recognised that there was no job growth in Silsden.
- The highway works should take account of the adjacent site identified within the Council's SHLAA (Strategic Housing and Land Availability Assessment)



and the junction completed, with traffic signals, to address all the needs at one time rather than causing two lots of disruption.

- There was concern that there would be conflict between the access and the second access to Sykes Lane.
- It was questioned whether the units provided would count towards the allocation for Silsden set out in the Core Strategy.
- A cycle lane needed to be included in the design for the junction.
- A particular concern was traffic turning right out of the site towards Steeton.
- When an application for retail use of this site had been considered it had been stated that there was a 'ransom strip' of land owned by the Council; it was questioned whether any proceeds from the sale of this would be ringfenced for use in Silsden.
- The regeneration of brownfield sites was to be welcomed.
- It was questioned whether the blockages found in the existing drainage system had been cleared. There was a concern that the existing drainage may be contributing to nearby flooding.
- The 'Weetwood' flood risk assessment document indicated potential flooding at the entrance which could isolate the site, it was questioned how this would be controlled.
- In respect of the money for the bus stops it was requested that the money be used for a crossing point to facilitate access to the sites to the east or bus stops to the West and South, the improvement of footpaths to the town centre or the provision of cycle routes.

A local resident put forward the following points:

- There were a number of issues that needed to be addressed to alleviate residents' concerns
- It was considered that the access arrangements did not take account of the needs of pedestrians and cyclists.
- The drainage at the junction was a matter of concern; where would the water go if all the tanks were full?
- If the outflow was via the culvert at Belton Road this should be further down unless it was increased in size.
- A concern was that problems could be caused further downstream at Stocksbridge.
- It was questioned whether Yorkshire Water would provide the necessary maintenance and could the public have confidence that this would be done.
- The highway issues around Silsden were well known.
- The applicant had identified blockages to drains on the site but had they been cleared? The site may not be developed for another two years and residents did not want to be flooded again.
- Would the traffic signals be phased? It had taken an hour to travel from Silsden to Bradford this morning.
- The proposed bus stop monies which were also covered by other developments should be directed towards the improvement of footpaths to facilitate access to the bus stops.
- It would be difficult to access the railway station from the site.



- A number of houses near the site had been flooded; when it rained the road turned into a stream.
- A secondary access road had been obstructed by a pile of mud which had made the problem worse, flood defence measures had also exacerbated the situation.

The Assistant Director made the following comments in response:

- Any dwellings built on this site would contribute to the numbers for Silsden set out in the Core Strategy.
- The 'ransom strip' ran along the frontage of the site; the utilisation of any money that was gained from any sale was not a planning consideration but he was believed that it would not be straightforward to ringfence it for the Silsden area.
- The access road for this site would also provide access to land partly owned by the Council; he was not aware of the financial and legal issues associated with that and it was not a matter for consideration as part of this planning application.
- In terms of the highway works it was accepted that, in an ideal world, the junction works would all be undertaken at the same time but that would mean that this developer would be undertaking works for the benefit of a future development in which he/she had no interest. It would also mean that there would be less money available either for education infrastructure improvements or towards the footbridge. In addition it was only ever reasonable to ask any one developer to address the strain caused by their development.
- There was insufficient width to provide a cycle lane of any meaningful length.
- There would be two traffic islands that would facilitate crossing the road to access the sites on the east side of Keighley Road.
- In respect of the pooling of water at the junction and localised flooding the developer would be expected to produce a drainage strategy that would take account of these issues and may well improve upon the existing situation. A lot of investigation work had been undertaken in this area. The outfall from the site would not allow water from the Beck to come back into the system.
- The secondary access would only be for use by pedestrians or in an emergency; the existing obstruction would have to be removed; this may have been put there to prevent illegal access onto the site.
- Once the site was developed it would have a specifically designed drainage system. There would be a calculation of how large the attenuation tanks needed to be and extra capacity would be added in.
- In respect of the re-allocation of £10,000 or £20,000 towards upgrading existing pavements; the condition of the footways had not been raised as an issue during consultations, it was not known if it would be possible to widen them and the developer could not be required to undertake repairs. It would be difficult to argue that such a requirement would be reasonable and/or compliant with CIL.
- A pedestrian crossing, if justified at this location, would cost in the region of £40,000 to £50,000.



The agent for the applicants addressed the Committee in support of the application:

- The recommendation of the Assistant Director was welcomed.
- The applicants had worked closely with the Local Planning Authority and the Environment Agency, since late 2015, to address all the technical issues.
- Drainage/flood engineers had been investigating the position since November 2015.
- The Environment Agency model had been updated and included evidence from recent flood events.
- It had been demonstrated that the site was not within Flood Zone 3.
- The Environment Agency agreed with the findings of the model and appropriate conditions had been agreed.
- Floor levels would be set above the modelled water levels.
- The outflow would be managed to ensure that there was no impact elsewhere.
- The site had not flooded in December 2015.
- The proposed access would be 65 metres to the south of the access to the supermarket site on the opposite side of the road.
- A detailed Traffic Assessment had been undertaken which had demonstrated that there would be no adverse impact on the network.
- A priority T junction would be provided.
- Current information had been used in making the necessary calculations and the highway network would be operating well within capacity.
- There would be a dedicated right turn lane into both the supermarket site and this site.
- The free flow of traffic would be maintained.
- The site to the north was allocated for housing.
- This industrial site had been cleared for over four years; it had been marketed but had failed to attract any viable long term occupiers.
- The development would contribute towards the district's housing supply targets and would save greenfield sites.
- Public consultation had been undertaken in April and of the respondents 68% had either agreed or strongly agreed with the provision of new homes on the site.
- When a previous proposal for the development of a supermarket on this site had been considered local residents had expressed the view that the land should be used for housing.

Members commented that:

- There was a risk that if £10,000 was allocated for the provision of one bus shelter this may be done via the Section 106 obligation for another residential development and this money would then be lost ; if the £20,000 was allocated elsewhere then there was a risk that one bus shelter may not be provided if the other residential development did not go ahead.
- The problem for Silsden was through traffic.
- The schools were on the opposite side of the town centre.
- A large part of the site already had an impermeable surface and it appeared



that it was badly drained. The Drainage Engineers had explained the improvements that would be undertaken and had addressed concerns.

- The Assistant Director's explanation about the by-pass was accepted but there was a desperate need for this to be provided.
- There was always a risk that developments would not go ahead and that improvements secured by Section 106 obligations would therefore not be achieved.
- The footbridge was desperately needed on the grounds of road safety and to facilitate access to public transport; the funding should therefore be re-allocated to that project.
- The Reserved Matters should be submitted to this Committee for consideration.

Resolved –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.**
- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**
 - (i) 20% on-site affordable housing provision (2 and 3 bedroom units),**
 - (ii) The payment of a commuted sum of £265,299 for the improvement of educational infrastructure at primary level in Silsden,**
 - (iii) The payment of a commuted sum of £141,132 towards the enhancement of recreation facilities in Silsden; to be used towards the following priorities: (i) the provision of additional community facilities in Silsden to include bringing the existing structures in the park back into use and providing a new facility/flexible space for sports/meetings/changing rooms for those playing sports in the park; (ii) the retention of the Multi Use Games Area (MUGA) next to the Youth Centre in Eliot Street or towards general recreational facilities in Silsden Park,**
 - (iv) The payment of a contribution of £20,000 to mitigate impacts on sensitive habitats by bringing forward improvements on nearby footpath routes,**
 - (v) The payment of a contribution of £120,000 towards the provision of a footbridge to cross the A629.**
 - (vi) The safeguarding of the area of land adjacent to the proposed junction with Keighley Road, as shown hatched in red on Plan Reference: SIL-BWB-00-01-DR-TR-101 Rev P1, to provide for any improvements to the junction which may be required in future to facilitate access beyond the current application site,**



(vii) A Section 278 Agreement in respect of the delivery of necessary works on Keighley Road to facilitate access to the site,

the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.

(3) That the application for Reserved Matters be submitted to this Committee for consideration.

ACTION: *Assistant Director - Planning, Transportation and Highways
City Solicitor*

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

